

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

The Coleman Company, Inc.,)
)
<i>Plaintiff/Counterclaim Defendant,</i>)
)
v.) Civil Action No: 2:20cv351-RGD-RJK
)
Team Worldwide Corporation,)
)
<i>Defendant/Counterclaim Plaintiff</i>)
)
and)
)
Cheng-Chung Wang)
)
<i>Counterclaim Plaintiff</i>)
)

**TEAM WORLDWIDE CORPORATION'S MEMORANDUM IN SUPPORT OF ITS
MOTION TO SEAL ITS MEMORANDUM IN SUPPORT OF ITS MOTION FOR
SUMMARY JUDGEMENT OF INVALIDITY OF PLAINTIFF'S U.S. PATENT NO.
7,089,618 AND OF THE VALIDITY OF DEFENDANT'S U.S. PATENT NO. 6,754,926**

In support of its Motion to Seal, Defendant/Counterclaim Plaintiff Team Worldwide Corporation and Counterclaim Plaintiff Cheng-Chung Wang (collectively, “TWW”), by counsel, in accordance with Local Rule 5(C) and the Protective Order entered in this case (ECF No. 55) (“Protective Order”) state the following:

The Protective Order entered by the Court allowed the parties to exchange discovery of “...confidential and proprietary business, technical, financial, and personal” during the course of litigation pursuant to specifically defined designations. Fed. R. Civ. P. 26(c)(G). The unredacted version of TWW’s Memorandum in Support of Its Motion for Summary Judgment of Invalidity of Plaintiff’s U.S. Patent 7,089,618 and of the Validity of Defendant’s U.S. Patent No. 6,754,926 and certain supporting exhibits contain expert reports and excerpts of deposition testimony that

were designated by either Coleman or TWW as CONFIDENTIAL or ATTORNEYS' EYES ONLY pursuant to the terms of the Protective Order.

There are three requirements for sealing court filings: (1) notice of the motion to provide the public with an opportunity to object; (2) consideration of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and rejecting alternatives to sealing.

Ashcraft v. Conoco, Inc., 218 F.3d 282, 288, (4th Cir. 2000); *see, e.g., Flexible Benefits Council v. Feltman*, No. 1:08-cv-371, 2008 U.S. Dist. LEXIS 93039 (E.D. Va., November 13, 2008); *East West, LLC v. Rahman*, 2012 WL 3843657 (E.D. Va. Sept. 4, 2012) (sealing exhibits containing confidential commercial information and trade secrets); *Kettler Int'l, Inc. v. Starbucks Corp.*, Civil Action No. 2:14-cv-189 (E.D. Va. Jan. 5, 2015). Coleman and TWW's respective designation of the referenced material as CONFIDENTIAL or ATTORNEYS' EYES ONLY indicates their belief that specific information be deemed confidential as defined by the terms of the Protective Order. Sealing TWW's unredacted Motion for Summary Judgment of Invalidity of Plaintiff's U.S. Patent 7,089,618 and of the Validity of Defendant's U.S. Patent No. 6,754,926 is necessary and appropriate to protect the designation of confidential information consistent with the terms of the mutually agreed upon Protective Order.

TWW has made all reasonable efforts to limit this request to seal in compliance with the law of this Circuit – including by filing a publicly available, redacted version of its Memorandum in Support, redacting only those portions of the Memorandum in Support containing specifically designated ATTORNEYS' EYES ONLY testimony by Mr. Li and Dr. Singhose, and filing only the reports, exhibits, and deposition testimony designated as either CONFIDENTIAL or ATTORNEYS' EYES ONLY under seal. The exhibits include the following:

1. Expert Report of Dr. Glen Stevick, Ph.D. Regarding Invalidity of U.S. Patent No. 7,089,618, July 6, 2021 (Exhibit D);

2. Rebuttal Reply Expert Report of Dr. Glen Stevick, Ph.D. Regarding Rebuttal Expert of Wayne Li Regarding Validity of U.S. Patent No. 7,089,618, August 12, 2021 (Exhibit E);
3. Excerpts of deposition testimony by Dr. Singhoose taken August 18, 2021 (Exhibit G);
4. Excerpts of deposition testimony by Mr. Li taken August 17, 2021 (Exhibit H);
5. Rebuttal Expert Report of William Singhoose, Ph.D. Regarding Infringement of U.S. Patent No. 7,089,618, August 12, 2021 (Exhibit I);
6. ARP 2002, TWW-COL-00038714 (Exhibit J);
7. Wenzel Catalog, EXXEL21_210034924 (Exhibit K);
8. TWW Queen Size Air Mattress Specification Sheet, TWW-COL-00026953 (Exhibit L);
9. Expert Report of Dr. Glen Stevick, Ph.D. Regarding Non-Infringement of U.S. Patent No. 7,089,618, July 30, 2021 (Exhibit M);
10. TWW-COL-00026070 (Exhibit N);
11. Expert Report of Dr. William Singhoose, Ph.D. Regarding Infringement of U.S. Patent No. 7,089,618, July 6, 2021 (Exhibit O); and
12. Rebuttal Expert Report of Dr. Glen Stevick, Ph.D. Regarding Validity of U.S. Patent No. 6,754,926, July 30, 2021 (Exhibit Q).

Due to the nature of subject matter of the Memorandum in Support and the supporting exhibits identified above, there is no adequate remedy other than placing the unredacted version of the Memorandum in Support and certain supporting exhibits under seal. For the sake of consistency with practices governing the case as a whole, the unredacted Memorandum in Support and certain supporting exhibits should remain sealed in accordance with the Protective Order.

Accordingly, and in satisfaction of the requirements of Local Rule 5, Defendant/Counterclaim Plaintiff Team Worldwide Corporation and Counterclaim Plaintiff Cheng-Chung Wang hereby respectfully move the Court to place under seal the Memorandum in Support of Its Motion for Summary Judgment of Invalidity of Plaintiff's U.S. Patent 7,089,618 and of the Validity of Defendant's U.S. Patent No. 6,754,926 and certain supporting exhibits.

Dated: November 10, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing on November 10, 2021 with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all registered users.

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